

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re BAYCOL PRODUCTS LITIGATION

MDL NO. 1431
(MJD/SRN)

This Document Relates to:

ORDER

Michael Acey, et al., v. Bayer Corp., et al.
(Plaintiff Benny Byrd only)

Case No. 03-4983

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated May 2, 2007. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendant Bayer Corporation's Motion for Discovery Sanctions against Plaintiff Benny Byrd [Doc. No. 83] is GRANTED; and
2. Plaintiff Benny Byrd's action is DISMISSED WITH PREJUDICE.

DATED: May 22, 2007.

s / Michael J. Davis
Judge Michael J. Davis
United States District Court Judge